

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HONOURABLE SRI JUSTICE B. PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 5743 OF 2006

Date:29.11.2006

BETWEEN:

1. The Director, Insurance Medical Services, Hyderabad and another.

.... PETITIONERS

And

1. M. Srinath Reddy, S/o. Late M. Madhava Reddy, Junior Assistant E.S.I. Hospital, Ramachandrapuram, Medak District and another.

.... RESPONDENTS

ORDER: (per Hon'ble Sri Justice B. Prakash Rao)

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioners filed this writ petition *inter alia* assailing the order dated 27.02.2006 passed in V.M.A.No.384 of 2005, which was filed for vacating the interim order passed by the Tribunal in O.A.No.2618 of 2005, contending that the first respondent was promoted to the post of Junior Assistant in ESI Hospital, Ramachandrapuram, basing on the institutional seniority against the vacancy arose due to the unauthorized absence of Mr.Syed Muneeruddin. Aggrieved by the same, the second respondent herein filed O.A.No.5810 of 2004 before the A.P. Administrative Tribunal, and the Tribunal by order dated 21.12.2004 passed final orders setting aside the impugned termination orders. As the orders passed by the Tribunal were not implemented, the second respondent herein filed Contempt Application No.144 of 2005. In pursuance of the order, dated 10.06.2005 passed in contempt application, it became inevitable to reinstate the second respondent into service and revert the first respondent to his original post held prior to his promotion. Hence, the first respondent filed O.A.No.2618 of 2005 before the Tribunal and the Tribunal by its order dated 16.06.2005 granted interim suspension of the impugned order dated 10.06.2005 passed in the contempt application. When the petitioners herein filed an application for vacating the interim order passed in O.A.No.2618 of 2005, the

same was dismissed and the interim order was made absolute. Aggrieved by the same, the petitioners filed the present writ petition.

Learned counsel for the petitioners submitted that adjusting the first respondent against any available vacancy in Dispensaries of Medak District is against the spirit of presidential order stating “where the existing unit of appointment is the district or unit smaller than a district, the existing unit may be allowed to continue”.

It is submitted by both the counsel that the main O.A. is still pending.

Having regard to the facts and circumstances of the case, since granting of interim suspension of the order passed by the Tribunal is nothing but deciding the O.A. itself, we deem it appropriate to direct the A.P. Administrative Tribunal to dispose of the main O.A. expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

(B. PRAKASH RAO, J.)

(RAMESH RANGANATHAN, J.)

29th November, 2006
Js.